

Phase I Application for Part B of the Individuals with Disabilities Education Act (IDEA) as Amended in 2004 for Federal Fiscal Year 2009 School Year 2009-2010

Annual Award

CFDA No. 84.027A (Section 611 – Grants to States)

CFDA No. 84.173A (Section 619 – Preschool Grants)

American Reinvestment and Recovery Act (ARRA) of 2009

CFDA No. 84.391A (Section 611 – Grants to States)

CFDA No. 84.392A (Section 619 – Preschool Grants)

The following FFY 2009 Phase I Grant Application for IDEA Part B (IDEA-B), including ARRA IDEA-B Funds, is submitted to the Office of the State Superintendent of Education on behalf of:

Full Legal Name of Submitting Local Education Agency (LEA) or State Agency

By: _____

Printed Name of: the Chairperson of Board (*all independent LEA charter schools*),
the Chancellor (*DCPS only*), or State Agency Director.

Point of Contact for Follow-up If Necessary:	
Name	
E-mail	
Phone Number	

If you have questions regarding this application please contact Ethan Lin, DSE Financial Program Analyst, at ethan.lin@dc.gov and copy Charity Hallman, DSE Financial Policy Manager at charity.hallman@dc.gov.

The IDEA Part-B Phase I grant application is due July 31st, 2009. Once this application is approved by the Department of Special Education (DSE) within the Office of the State Superintendent of Education (OSSE) subgrantees may begin obligating expenses against their Annual or ARRA grant funds. Reimbursement requests will not be accepted until the Phase II application is completed and approved.

****IMPORTANT NOTE FOR PUBLIC CHARTER SCHOOLS**** This application is only to be filled out by Local Education Agencies (LEAs) that have elected to be their own LEAs for the purposes of IDEA for the current IDEA-B grant period in accordance with DC Code § 38-1802.02. This election cannot be changed by the submission of this application and the Office of the State Superintendent of Education (OSSE) will not review any application submitted by a charter school with a current election to use the District of Columbia Public Schools (DCPS) as its LEA for IDEA purposes. Please direct any questions about this election process to the District of Columbia Public Charter School Board.

Grades and or Programs offered by the Applicant (Please check all that apply):

- | | | |
|---|----------------------------------|---|
| <input type="checkbox"/> Preschool | <input type="checkbox"/> Fifth | <input type="checkbox"/> Eleventh |
| <input type="checkbox"/> Pre-Kindergarten | <input type="checkbox"/> Sixth | <input type="checkbox"/> Twelfth |
| <input type="checkbox"/> Kindergarten | <input type="checkbox"/> Seventh | <input type="checkbox"/> GED |
| <input type="checkbox"/> First | <input type="checkbox"/> Eighth | <input type="checkbox"/> Other Adult Programs |
| <input type="checkbox"/> Second | <input type="checkbox"/> Ninth | <input type="checkbox"/> Other Educational Programs _____ |
| <input type="checkbox"/> Third | <input type="checkbox"/> Tenth | |
| <input type="checkbox"/> Fourth | | |

A. Submission Statement and Assurances for Part B of IDEA

The Applicant makes the following assurances that it meets each of the conditions required by Part B of the Individuals with Disabilities Education Act (IDEA or IDEA-B) 34 CFR §§ 300.200-213). As used herein, Applicant refers to a local educational agency (LEA), a state agency, or another agency designated by the Office of the State Superintendent of Education (OSSE) to ensure the provision of a free, appropriate education to a child with a disability under the IDEA. In order to receive any IDEA-B grant funding, assurances must be given in the affirmative for all of the following items (unless otherwise noted).

For important information regarding the use of American Recovery and Reinvestment Act of 2009 (ARRA) IDEA Part B funds, please see the guidance document found at <http://www.ed.gov/policy/gen/leg/recovery/guidance/idea-b.pdf>.

Programmatic Assurances

Yes (Assurance is given).	No (Assurance cannot be given.)	Assurance
_____ Yes	_____ No _____ (Date to be provided)	<p>1. The Applicant, in providing for the education of children with disabilities within its jurisdiction, has in effect policies, procedures, and programs that are consistent with the State policies and procedures established under the IDEA Part B regulations at 34 CFR §§300.101 through 300.163, and §§300.165 through 300.174. (20 U.S.C. 1413(a)(1); 34 CFR § 300.201)</p> <p><i>Please note: A full set of these policies and procedures should be readily available upon request by the OSSE. If assurance cannot be given for this item, please provide the date by which the applicant will complete policies and procedures in order to provide assurance.</i></p>
_____ Yes	_____ No _____ (Date to be provided)	<p>2. The Applicant has adopted effective procedures for acquiring and disseminating to teachers and administrators, significant information from educational research, demonstrations, and similar projects, and for adopting, where appropriate, promising educational practices developed through such projects. (20 U.S.C. § 1232e(b)(8))</p>
_____ Yes		<p>3. The Applicant will ensure that all personnel necessary to carry out Part B of the Act are appropriately and adequately prepared, subject to the requirements of 34 CFR § 300.156 (related to personnel qualifications) and section 2122 of the ESEA. (20 U.S.C. 1413(a)(3); 34 CFR § 300.207).</p>

<p>_____ Yes</p>		<p>4. DCPS Only: In carrying out IDEA-B and the IDEA-B regulations with respect to <i>charter schools that are public schools of the LEA</i>, DCPS will –</p> <p>(i) Serve children with disabilities attending those charter schools in the same manner as DCPS serves children with disabilities in its other schools, including providing supplementary and related services on site at the charter school to the same extent to which DCPS has a policy or practice of providing such services on site to its other public schools; and</p> <p>(ii) Provide funds under IDEA-B to those charter schools –</p> <p>(A) On the same basis as DCPS provides funds to other public schools within DCPS, including proportional distribution based on relative enrollment of children with disabilities; and</p> <p>(B) At the same time as DCPS distributes Federal funds to other public schools within DCPS, consistent with the State’s charter school law.</p> <p>DCPS will be responsible for ensuring that IDEA-B requirements are met in each public charter school that is a school of the LEA, unless State law has assigned that responsibility to some other entity. (20 U.S.C. 1413(a)(5); 34 CFR § 300.209)</p>
<p>_____ Yes</p>		<p>5. Independent LEA Charters Only: If a public charter school is an LEA applying for IDEA-B funding under 34 CFR § 300.705, the LEA that is a public charter school will be responsible for ensuring that the IDEA-B requirements are met, unless State law has assigned that responsibility to some other entity. (20 U.S.C. 1413(a)(5); 34 CFR § 300.209)</p>
<p>_____ Yes</p>		<p>6. DCPS Only: DCPS provides parentally-placed private school children with disabilities an opportunity for equitable participation in programs assisted or carried out under IDEA-B. (20 U.S.C. 1412(a)(10)(A); 34 CFR §§300.130-144)</p> <p><i>Please note: The U.S. Department of Education has issued specific guidance regarding the use of American Recovery and Reinvestment Act of 2009 (ARRA) funds related to parentally-</i></p>

		<p>placed private school students. Please see Section F of the guidance document that can be found at: http://www.ed.gov/policy/gen/leg/recovery/guidance/idea-b.pdf</p>
<p>_____ Yes</p> <p>_____ Yes</p>		<p>NOTE: Please provide an assurance for 7a or 7b, as applicable.</p> <p>7a. The Applicant has chosen to coordinate with the National Instructional Materials Access Center (NIMAC), when purchasing print instructional materials, and will acquire those instructional materials in the same manner, and subject to the same conditions as the SEA under §300.172. (20 U.S.C. 1413(a)(6); 34 CFR § 300.210)</p> <p>- OR -</p> <p>7b. The Applicant has chosen not to coordinate with the NIMAC but assures that it will provide instructional materials to blind persons or other persons with print disabilities in a timely manner. Nothing in 34 CFR § 300.210 shall be construed to require an LEA to coordinate with the NIMAC. (20 U.S.C. 1413(a)(6); 34 CFR § 300.210)</p> <p><i>If 7b. is checked, please provide a short narrative describing the applicant's plan of action to accomplish this assurance: (Enter text here)</i></p>
<p>_____ Yes</p>		<p>8. The Applicant will ensure that children with disabilities who need instructional materials in accessible formats but are <u>not</u> included under the definition of blind or other persons with print disabilities in 34 CFR §300.172(e)(1)(i) or who need materials that cannot be produced from National Instructional Materials Accessibility Standards (NIMAS) files, receive those instructional materials in a timely manner. (20 U.S.C. 1413(a)(6); 34 CFR § 300.210; <i>see also</i> Appendix C to 34 CFR Part 300)</p>
<p>_____ Yes</p>		<p>9. The Applicant will administer its IDEA program in accordance with all applicable statutes, regulations, program plans, and applications, including but not limited to the</p>

		General Education Provisions Act (20 U.S.C. §§ 1221 et seq.) and the Family Education Rights and Privacy Act (20 U.S.C. § 1232g, 34 C.F.R. Part 99). 20 U.S.C. § 1232e(b)(1).
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Fiscal Assurances

Many of the fiscal assurances required for the Annual IDEA Part-B funds are impacted by the American Recovery and Reinvestment Act of 2009 (ARRA). For information regarding how these assurances are impacted by the ARRA, please see the guidance document found at <http://www.ed.gov/policy/gen/leg/recovery/guidance/idea-b.pdf> and the information below.

Yes (Assurance is given).	No (Assurance cannot be given.)	Assurance
_____ Yes		<p>10. Amounts provided to the Applicant under IDEA-B –</p> <ul style="list-style-type: none"> (1) Will be expended in accordance with the applicable provisions of IDEA-B; (2) Will be used only to pay the excess costs of providing special education and related services to children with disabilities, consistent with 34 CFR § 300.202(b); and (3) Will be used to supplement State, local, and other Federal funds and not to supplant those funds. <p>(20 U.S.C. 1413(a)(2)(A); 34 CFR § 300.202) This requirement is commonly referred to as the “Supplement, not Supplant” requirement.</p> <p><i>For information regarding the Excess Cost Calculation for your LEA or State agency, please see Appendix A to 34 CFR Part 300.</i></p> <p><i>An IDEA Budget/Spending Plan form for both the FFY 2009 annual IDEA Part B grants and funds related to the American Recovery and Reinvestment Act (ARRA) of 2009, will be provided to you electronically and will be due during Phase II.</i></p>
_____ Yes		<p>11. Except as provided in 34 CFR §§ 300.204 and 300.205, funds provided to the Applicant under IDEA-B will not be used to reduce the level of expenditures for the education of children with disabilities made by the Applicant from local funds below the level of those expenditures for the preceding fiscal year. (20 U.S.C. 1413(a)(2)(A); 34 CFR § 300.203) This</p>

		<p>requirement is commonly referred to as the “Maintenance of Effort” or “MOE” requirement.</p> <p><i>For information regarding how LEAs and State agencies are to calculate MOE, please see 34 CFR §§ 300.203-205. Please note that all LEAs and State agencies will need to report to the SEA the total or per capita amount the LEA spent in the prior two years during Phase II.</i></p>
____ Yes		<p>12. The Applicant ensures that all personnel who are compensated, in full or in part, with federal funds for services rendered during the period of performance under this IDEA-B award will keep appropriate documents on file. Documentation and costs must satisfy the specific requirements outlined in the Office of Management and Budget (OMB) Curricular A-87, Attachment B, Section 8. This requirement is commonly referred to as the “Time and Effort” requirement.</p>
____ Yes		<p>13. To the extent the Applicant elects or is required to use up to 15 percent of its IDEA-B allocation for coordinated early intervening services, the Applicant will use those funds consistent with 34 CFR § 300.226.</p>
____ Yes		<p>14. Notwithstanding 34 CFR §§ 300.202, 300.203(a) and 300.162(b), if the Applicant elects to use IDEA-B funds to carry out any of the specified permissive uses listed in 34 CFR § 300.208, the Applicant shall be these funds in accordance with 34 CFR § 300.208. (20 U.S.C. § 1413(a)(4); 34 CFR § 300.208)</p>
____ Yes		<p>15. The Applicant assures that the control of funds provided to the Applicant, and title to property acquired with those funds, will be in a public agency and that a public agency will administer those funds and property. (20 U.S.C. § 1232e (b)(2)).</p>
____ Yes		<p>16. The Applicant shall use fiscal control and fund accounting procedures that insure proper disbursement of and accounting for Federal funds. (20 U.S.C. § 1232e(b)(3))</p>
____ Yes		<p>17. The Applicant assures that none of the funds expended will be used to acquire equipment (including computer</p>

		software) in any instance in which such acquisition results in a direct financial benefit to any organization representing the interests of the purchasing entity or its employees or any affiliate of such an organization. (20 U.S.C. § 1232e(b)(9))
_____ Yes		<p>18. Entities expending \$500,000 or more of federal funds annually, from all sources, will receive an annual financial and compliance audit in accordance with OMB Circular A-133. The Applicant will submit copies of the opinion letter and the management representation letter to the OSSE within 30 days from the conclusion of the A-133. (OMB Circular A-133 Subpart B 200 (a))</p> <p><i>Please note: Entities covered by the Single Audit Act Amendments of 1996 and OMB Circular A-133 must agree to separately identify expenditures of American Recovery and Reinvestment Act of 2009 (ARRA) funds on the Schedule of Expenditures of Federal Awards (SEFA) and the Data Collection Form (SF-SAC) required by OMB Circular A-133.</i></p>
_____ Yes		<p>19. DCPS Only: DCPS will expend a proportionate share of its subgrants under section 611(f) and 619(g), as proscribed in Appendix B to 34 CFR Part 300, on the provision of special education and related services for parentally-placed private school children with disabilities enrolled in private elementary schools and secondary schools location in the LEA.</p>

Assurances Regarding the Submission of Data and Other Information to the OSSE and Other Assurances

Yes (Assurance is given).	No (Assurance cannot be given.)	Assurance
<input type="checkbox"/> Yes		<p>20. The Applicant will provide the SEA with information necessary to enable the SEA to carry out its duties under IDEA-B, including, with respect to 34 CFR §§ 300.157 (Performance Goals and Indicators) and 300.160 (Participation in Assessments), information relating to the performance of children with disabilities participating in programs carried out under IDEA-B. (20 U.S.C. 1413(a)(7); 34 CFR § 300.211).</p> <p><i>Specific information will be required to be submitted in the IDEA Data Needs spreadsheet during Phase II.</i></p>
<input type="checkbox"/> Yes		<p>21. The Applicant will provide data, in a timely manner, to the SEA on any information that may be required by the SEA or the U.S. Department of Education (20 U.S.C. 1412(a)(22), 1418(a); 34 CFR §§ 300.211; 300.640-300.646), including but not limited to the following:</p> <ul style="list-style-type: none"> • enrollment data • truancy data • graduation/dropout rates • suspension/expulsion data • staffing data • performance and AYP data • newly identified students • existing students whose placement changed (includes Part C to Part B transition) • dispute resolution data (includes complaints against, mediations, resolution sessions, due process hearings, state complaints against)
<input type="checkbox"/> Yes		<p>22. The LEA will make reports to the SEA as may reasonably be necessary to enable the SEA to perform its duties and the LEA will maintain such records, including the records required under 20 U.S.C. § 1232f and provide access to those records as the SEA deems necessary to perform its duties. (20 U.S.C. § 1232e(b)(4))</p>

<p>_____ Yes</p>		<p>23. The LEA will make available to parents of children with disabilities and to the general public all documents relating to the eligibility of the agency under IDEA-B. (20 U.S.C. 1413(a)(8); 34 CFR § 300.212)</p>
<p>_____ Yes</p>		<p>24. The LEA will provide reasonable opportunities for the participation of teachers, parents, and other interested agencies, organizations, and individuals in the planning for and operation of each program. (20 U.S.C. § 1232e(b)(5))</p>
<p>_____ Yes</p>		<p>25. The LEA assures that any application, evaluation, periodic program plan or report relating to each program will be made readily available to parents and other members of the general public. (20 U.S.C. § 1232e(b)(6))</p>
<p>_____ Yes</p>		<p>26. The LEA will cooperate in the Secretary's efforts under section 1308 of the ESEA to ensure the linkage of records pertaining to migratory children with disabilities for the purpose of electronically exchanging, among the States, health and educational information regarding those children. (20 U.S.C. 1413(a)(9); 34 CFR § 300.213)</p>
<p>_____ Yes</p>		<p>27. The LEA assures that in the case of any project involving construction –</p> <ul style="list-style-type: none"> (1) the project is not inconsistent with overall District of Columbia plans for the construction of school facilities; and (2) in developing plans for construction, due consideration will be given to excellence of architecture and design and to compliance with standards prescribed in 29 U.S.C. § 794 in order to ensure that facilities constructed with the use of Federal funds are accessible to and usable by individuals with disabilities. <p>(20 U.S.C. § 1232e(b)(7))</p>

Assurances Regarding American Recovery and Reinvestment Act of 2009 (ARRA) Funds

ARRA IDEA Part B grants are a supplemental appropriation to the annual IDEA Part B grants. Information from the U.S. Department of Education regarding IDEA-B ARRA funds can be found at <http://www.ed.gov/policy/gen/leg/recovery/factsheet/idea.html>. In addition, the Department has released a guidance document for “Funds for Part B of the Individuals with Disabilities Education Act Made Available Under The American Recovery and Reinvestment Act of 2009.” This document provides valuable information on a number of topics, including timing and eligibility for IDEA-B ARRA funds, set-asides and indirect costs, authorized uses of IDEA-B ARRA funds, and ARRA-required transparency, accountability and reporting requirements. The guidance can be found at: <http://www.ed.gov/policy/gen/leg/recovery/factsheet/idea.html>

ARRA IDEA Part B funds are subject to the terms of ARRA, IDEA and all applicable provisions of the General Education Provisions Act and the Education Department General Administrative Regulations. Conditions, if any, placed on your FY 2009¹ grants award(s) apply to ARRA IDEA Part B awards, unless those conditions have been removed or revised. If the U.S. Department of Education or the OSSE makes any further revisions to those conditions when the regular grants award(s) for FY 2009 funds are made, those revised conditions shall also apply to the funds made available with this award.

Yes (Assurance is given).	No (Assurance cannot be given.)	Assurance
<input type="checkbox"/> Yes		28. The Applicant will take adequate and appropriate steps to ensure that it has capacity to comply with the strict ARRA tracking and reporting requirements, considering the increased transparency and accountability associated with the ARRA funds.
<input type="checkbox"/> Yes		29. The Applicant will maintain records that identify adequately the source and application of ARRA funds including accurate, complete and reliable financial and programmatic documentation for all expenditures. <i>Please note: IDEA-B ARRA funds must be tracked and accounted for separate from IDEA-B funds.</i>
<input type="checkbox"/> Yes		30. The Applicant will report, at least quarterly, on how all ARRA funds are used by the Applicant, along with measures of impact of the funds, in accordance with specific requirements

¹ Funds appropriated to the OSSE July 1, 2008 and awarded to subgrantees in fiscal year 2009.

		<p>set forth by the U.S. Department of Education and/or the OSSE, based upon section 512 of the American Recovery and Reinvestment Act of 2009.</p> <p><i>Additional information and guidance regarding ARRA-related data submission requirements will be provided with the IDEA-B Phase II Application. At a minimum, Applicants should anticipate reporting: the total amounts of ARRA funds received and expended or obligated; the name, description and evaluation of the project or activity's completion status; and an estimate of the number of jobs that were saved or created with the funds.</i></p>
_____ Yes		<p>31. The Applicant will focus its use of Recovery funds on short-term investments with the potential for long-term benefits, which avoiding making any ongoing commitments that may not be sustainable once recovery funds are expended.</p>
_____ Yes		<p>32. The Applicant commits to use ARRA funds in fiscally prudent ways that meet the goals of the ARRA and federal guidance, including:</p> <ul style="list-style-type: none"> • Spending funds quickly to save and create jobs, • Ensuring transparency and accountability, • Thoughtfully investing one-time funds, and • Advancing effective reforms.
_____ Yes		<p>33. The Applicant will comply with civil rights laws that prohibit discrimination based on race, color, national origin, religion, sex, disability and age.</p> <p><i>For more information on the civil rights obligations application to ARRA funds, please see:</i> http://ed.gov/policy/gen/leg/recovery/notices/civil-rights.html)</p>
_____ Yes		<p>34. The Applicant shall promptly refer to the U.S. Department of Education's Office of Inspector General (OIG) any credible evidence that a principal officer, employee, agent, contractor, subrecipient, subcontractor or any other person has submitted a false claim under the False Claims Act or has committed a criminal or civil violation of laws pertaining to fraud, conflict of</p>

		interest, bribery, gratuity or similar misconduct involving ARRA funds. Information about the OIG Hotline is available at: http://ed.gov/about/offices/list/oig/hotline.html
_____ Yes		<p>35. The Applicant shall obtain prior approval from the OSSE, and the OSSE will subsequently be required to obtain prior approval from the U.S. Department of Education, before using any ARRA funds for construction or alteration of facilities.</p> <p><i>Please note: If approved, any construction of alternation of facilities must comply with additional ARRA-related requirements regarding, among other things, environmental impact requirements, wage requirements and requirements regarding the use of American iron, steel and manufactured goods.</i></p>

B. Certification

I, the undersigned authorized official of the _____ (Name of the LEA or State agency (Applicant)), certify that said Applicant can make the assurances checked as “yes” in Section A of this application. The Applicant will operate its Part B program in accordance with all of the required assurances.

If any assurances have been checked “no”, I certify that the Applicant will operate throughout the period of this grant award consistent with the requirements of IDEA, as found in Public Law No. 108-446 and any applicable regulations, and will make such changes to existing policies and procedures as are necessary to bring those policies and procedures into compliance with the requirements of IDEA, as amended, as soon as possible, and not later than June 30, 2009. (34 CFR § 76.104)

I also certify that, by submitting this application, the LEA or State agency (Applicant) provides the following certifications:

1. The Applicant certifies that no Federal appropriated funds have been or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement. The

applicant shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," when required (34 CFR Part 82, Appendix B).

2. As required by Executive Orders 12549 and 12689, Debarment and Suspension, and implemented at 34 CFR Part 85, for prospective participants in primary covered transactions, as defined at 34 CFR Part 85, Sections 85.105 and 85.110--

A. The Applicant certifies that it and its principles:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (2)(b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transaction (Federal, State, or local) terminated for cause or default; and

B. Where the Applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

Further, I understand the following (*please initial each of the following*):

_____ Failure of the Applicant to timely provide the data and/or documents listed above or designated to be provided during Phase II may result in delayed or reduced allocation of funds.

_____ Failure of the Applicant to deliver services related to FAPE that consequently requires the OSSE to assume the responsibility of meeting the student's IEP needs may result in the funding allocations being reduced by the cost of the services and costs related to the violation. Such funds shall be withheld by the OSSE, as described in 34 CFR 300.227.

_____ The Applicant and its principles understand that it must repay any funds that have been finally determined through the federal or State audit resolution process to have been misspent, misapplied, or otherwise not properly accounted for, and the Applicant must pay any collection fees that may subsequently be imposed by the Federal and/or State government.

Note other certifications may be required in the Phase II Application.

_____ **Printed/Typed Name** of the Chairperson of Board (*all independent LEA charter schools*), the Chancellor (*DCPS only*), or State Agency Director.

_____ **Signature** of the Chairperson of Board (*all independent LEA charter schools*), the Chancellor (*DCPS only*), or State Agency Director.

_____ **Date**